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October 13, 2014

Via email

felicia.marcus@waterboards.ca.gov
thomas.howard@waterboards.ca.gov

Felicia Marcus, Chair
Thomas Howard, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812

RE: ACL Complaint R7-2014-0041, National Beef California, LP

Dear Ms. Marcus and Mr. Thomas:

This Office writes for client Comité Civico del Valle, Inc. (“Comité”) with regard to the referenced administrative civil liability complaint. Comité is a California non-profit organization based in Brawley, California with the mission “to improve access to healthcare, information, and prevention programs to low-income, underrepresented, and underserved community members in Imperial County by way of education, capacity building, and civic participation.” It actively works for its members and the community at-large on many public health and environmental justice issues in Imperial and Riverside Counties, and hosts the annual Imperial County Environmental Health Leadership Summit.

Comité writes to urge the State Water Resources Control Board to prosecute the referenced National Beef administrative civil liability complaint under Water Code Sections 183, 13320 and other applicable laws as the Colorado River Basin Regional Board has requested. Comité believes that National Beef and other slaughterhouses and animal feeding operations in Imperial County must comply with required pretreatment regulations. Earlier this year, Comité wrote to the Colorado River Basin Regional Board indicating that Comité would not be a formal designated party with regard to the National Beef administrative civil liability complaint. However, it has been carefully monitoring the matter. Comité is extremely concerned that National Beef’s serious, repeated violations may fall through the cracks, unpunished. The State Board must not let that it happen – it should prosecute the referenced National Beef administrative civil liability complaint.

Marcus and Thomas
October 13, 2014
Page Two

Comité wants to emphasize that the Colorado River Basin and its residents merit robust attention and resources when it comes to protection of water quality. It applauds the Colorado River Basin Regional Board and its staff's efforts to make enforcement a priority within the Colorado River Basin.

Comité also wants the State Water Resources Control Board to understand that it is extremely important that any administrative civil liability penalties or supplemental environmental projects be directed to local efforts within Imperial County and the Colorado River Basin, whether it be the New River, Salton Sea restoration, or other meritorious local projects. Comité appreciates the role of the State Water Resources Control Board's Cleanup and Abatement Account, but it is concerned when penalty funds go into a general account in Sacramento that cannot always be accessed locally where the violations occur. Please keep local projects in mind with regard to the National Beef and other administrative civil liability complaints. These funds can do great good if wisely spent within Imperial County and the Colorado River Basin.

Again, Comité appreciates the notice provided to it with regard to the National Beef administrative civil liability complaint. It will be monitoring this matter with special interest, and is available to the State Water Resources Control Board and its staff at any time, particularly to support local water quality enforcement and improvement efforts within Imperial County and the Colorado River Basin. Please do not let enforcement in the region fall through the cracks. The State Water Resources Control Board should prosecute the referenced National Beef administrative civil liability complaint under Water Code Sections 183, 13320 and other applicable laws and regulations.

Sincerely,



Gideon Kracov, Esq.

Cc via email:

Frances Spivy-Weber, Vice- Chair State Water Resources Control Board
Steven Moore, State Water Resources Control Board
Tam Duduc, State Water Resources Control Board
Dorene D'Adamo, State Water Resources Control Board
Lori Okun, State Water Resources Control Board
Jose Angel, Colorado River Basin RWQCB
Anna Kathryn Benedict, State Water Resources Control Board
Tom Vandenberg, State Water Resources Control Board